

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ANDREA LAMBE,	)	CASE NO.: 4:21-cv-01417
	)	
Plaintiff,	)	JUDGE
	)	
-v-	)	
	)	<b>NOTICE OF REMOVAL</b>
TMI EMPLOYEE MANAGEMENT, L.P.,	)	
	)	
Defendant.	)	

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant TMI Employee Management, L.P. (“Defendant”) files this Notice of Removal to this Court of an action pending against it in the Court of Common Pleas, Mahoning County, Ohio. Removal is based on the following grounds:

1. On or about June 22, 2021, Plaintiff Andrea Lambe commenced an action against Defendant in the Court of Common Pleas, Mahoning County, Ohio (the “State Action”). That action bears the same title as the above caption and is docketed in the Court of Common Pleas, Mahoning County, Ohio as Case No. 2021 CV 01058.

**TIMELY REMOVAL**

2. On June 22, 2021, Defendant’s counsel received copies of the Summons and the Complaint. Copies of the Summons and Complaint served on Defendant are attached as Exhibit A. Defendant received service of the Summons and Complaint on June 28, 2021.

3. Exhibit A constitutes all pleadings filed in the State Action.

5. This Notice of Removal is being filed within 30 days of receipt by Defendant of the Summons and the Complaint on Defendants, and therefore it is timely filed pursuant to 28 U.S.C. § 1446(b).

**FEDERAL QUESTION JURISDICTION**

Defendant is entitled to remove this action to this Court under 28 U.S.C. § 1441 because this Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 as the claims asserted in the Complaint arise under the laws of the United States.

8. The Complaint alleges gender discrimination and retaliation under Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. §2000e, *et seq.* (Complaint ¶¶ 141-161), and violation of the Families First Coronavirus Response Act, 29 U.S.C. § 2601 (¶¶ 162-168). This Court has original jurisdiction over the claims pursuant to 28 U.S.C. § 1331(a) because the complaint expressly raises federal questions.

**VENUE**

9. Venue is proper in this district because Mahoning County is within this federal district.

**NOTICE**

10. Promptly after the filing of this Notice, Defendant will serve written notice of this removal on all parties and file a copy of this Notice of Removal with the Clerk of the Court of the Court of Common Pleas, Mahoning County, Ohio. A copy of the Notice of Filing Notice of Removal is attached as Exhibit B.

WHEREFORE, Defendant respectfully requests that this action be removed to this Court.

Respectfully submitted,

/s/ Rebecca J. Bennett

Rebecca J. Bennett (0069566)

Rose Marie L. Fiore (0065243)

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

Key Tower

127 Public Square, Suite 4100

Cleveland, OH 44114

Ph: 216-241-6100

Fax: 216-357-4733

Email: [rebecca.bennett@ogletree.com](mailto:rebecca.bennett@ogletree.com)

[rosemarie.fiore@ogletree.com](mailto:rosemarie.fiore@ogletree.com)

*Attorney for Defendant*

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2021, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. A copy of the foregoing was also sent via email to:

Brian D. Spitz

Rocco J. Screnci

The Spitz Law Firm, LLC

25200 Chagrin Blvd., Suite 200

Beachwood, OH 44122

[Brian.spitz@spitzlawfirm.com](mailto:Brian.spitz@spitzlawfirm.com)

[Rocco.screnci@spitzlawfirm.com](mailto:Rocco.screnci@spitzlawfirm.com)

*Attorneys for Plaintiff*

/s/ Rebecca J. Bennett

One of the Attorneys for Defendant

47600333.1